

Ex. A

From: [Burden, Ashley](#)
To: ["May, Andrew S."](#)
Cc: [Platt, Joseph](#); [Streit, Elizabeth M.](#); [Patrick, Joseph J](#); [Commodity Futures Trading Commission v 1033174 E Mail 1033174](#)
Subject: RE: [EXTERNAL] RE: CFTC v. LLT [HINSHAW-Active.FID2949973]
Date: Monday, December 7, 2020 12:54:02 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

March 12 works just fine for us. Let's pencil that in and we will send you a revised deposition notice.

Thanks,

A



Ashley J. Burden

Senior Trial Attorney/Chicago Regional Office
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Commodity Futures Trading Commission

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From: May, Andrew S. <AMay@hinshawlaw.com>
Sent: Friday, December 4, 2020 4:49 PM
To: Burden, Ashley <ABurden@CFTC.gov>
Cc: Platt, Joseph <JPlatt@CFTC.gov>; Streit, Elizabeth M. <estreit@CFTC.GOV>; Patrick, Joseph J <JPatrick@CFTC.gov>; Commodity Futures Trading Commission v__ 1033174 E_Mail _ 1033174 <{F2949973}.Active@hinshawlaw.com>
Subject: [EXTERNAL] RE: CFTC v. LLT [HINSHAW-Active.FID2949973]

Ashley,

Monday, March 8th will not work for me. Both Mr.
Ruth and I are available on Friday, March 12th.
Does that work for your side?

Regards,

Andrew S. May

Partner

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From: Burden, Ashley <ABurden@CFTC.gov>

Sent: Friday, December 4, 2020 1:21 PM

To: May, Andrew S. <AMay@hinshawlaw.com>

Cc: Platt, Joseph <JPlatt@CFTC.gov>; Streit, Elizabeth M. <estreit@CFTC.GOV>; Patrick, Joseph J <JPatrick@CFTC.gov>

Subject: RE: RE: RE: RE: CFTC v. LLT

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Thanks. Has Jeremy Ruth confirmed that 3/8 works for his deposition?

A



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From: May, Andrew S. <AMay@hinshawlaw.com>

Sent: Friday, December 4, 2020 1:19 PM

To: Burden, Ashley <ABurden@CFTC.gov>
Subject: [EXTERNAL] RE: RE: RE: CFTC v. LLT

Yes.

Andrew S. May
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From: Burden, Ashley <ABurden@CFTC.gov>
Sent: Wednesday, December 2, 2020 3:55 PM
To: May, Andrew S. <AMay@hinshawlaw.com>
Subject: RE: RE: RE: CFTC v. LLT

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Andrew, will you consent to service of our ROG's by email, or are we going to snail mail things back and forth?



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From: May, Andrew S. <AMay@hinshawlaw.com>
Sent: Wednesday, December 2, 2020 12:56 PM
To: Burden, Ashley <ABurden@CFTC.gov>
Subject: [EXTERNAL] RE: RE: CFTC v. LLT

Ashley,

Although exposed nobody got it.
Will do.

Regards,

Andrew S. May
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From: Burden, Ashley <ABurden@CFTC.gov>
Sent: Wednesday, November 25, 2020 2:49 PM
To: May, Andrew S. <AMay@hinshawlaw.com>
Cc: Patrick, Joseph J <JPatrick@CFTC.gov>; Platt, Joseph <JPlatt@CFTC.gov>; Streit, Elizabeth M. <estreit@CFTC.GOV>
Subject: RE: RE: CFTC v. LLT

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Alright, thanks Andrew. I will keep my fingers crossed for you on the COVID scare. Since you and Mr. Ruth are committed to completing your production on 12/24, I don't think we need to file a motion to compel for those docs. I will wait until next week to hear from you on the deposition, which we want to do as early as we can in January.

Thanks,

A



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From: May, Andrew S. <AMay@hinshawlaw.com>
Sent: Wednesday, November 25, 2020 2:43 PM
To: Burden, Ashley <ABurden@CFTC.gov>
Cc: Patrick, Joseph J <JPatrick@CFTC.gov>; Platt, Joseph <JPlatt@CFTC.gov>; Streit, Elizabeth M. <estreit@CFTC.GOV>
Subject: [EXTERNAL] RE: CFTC v. LLT
Importance: High

Dear Ashley,

Your recitation is functionally correct. After our conversation, I was able to speak to Mr. Ruth before he left town. I now believe that we will be able to meet the following schedule by bypassing Chuhak. We will start producing documents by 12/4 and finish by 12/24.

Mr. Patrick from your office thru out the 12/4 date in our most recent report to the Court as an agreeable extension to produce. I threw out at 12/24. I then offered to split the difference, i.e., 12/14, and that offer was rejected.

As I mentioned when we spoke on Monday, I have been in this case for only 3 weeks. I appreciate that the documents were overdue, but the request was originally sent to a *pro se* party who probably did not understand the elements of the cause of action against him. To expect that he would be able to find documents that deal with defenses to those elements is a pretty tall order.

As I also mentioned when we spoke, I will address your desire to set a date for Mr. Ruth's deposition separately. Finally, my family has had a bit of a COVID-19 Scare, and we are waiting the test results of people that we have come into contact. I will update you on the same if warranted.

Regards,

Andrew S. May

Partner

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From: Burden, Ashley <ABurden@CFTC.gov>

Sent: Monday, November 23, 2020 2:28 PM

To: May, Andrew S. <AMay@hinshawlaw.com>

Cc: Patrick, Joseph J <JPatrick@CFTC.gov>; Platt, Joseph <JPlatt@CFTC.gov>; Streit, Elizabeth M. <estreit@CFTC.GOV>

Subject: CFTC v. LLT

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Andrew:

Thanks for the call today. Per your explanation, Ruth has not yet produced documents in response to our RFP because your former firm, Chuhak, is asserting an attorney's lien over documents you previously collected from Ruth. The lien will be in effect until Ruth pays his bill to Chuhak. I also understand from our discussion that Ruth may have his own copies of the same documents in the file. However, Ruth has moved a few times and may have misplaced some of the documents and so your preference would be to produce responsive documents from the file at Chuhak.

As I explained on the call, the CFTC requires documents responsive to our RFP in order to effectively depose Ruth. Because time is marching on, we have advised you that we plan to file a motion to compel on Monday unless we have a firm commitment that Ruth will produce all responsive documents by a date certain, and that such date is satisfactory to us, i.e., not too far out. You advised that you will get back to us tomorrow or Wednesday with such a date (or to advise that no such date can be provided), and also to provide proposed dates (or blackout dates) for Ruth's testimony, which we would like to take no later than January 2021.

Please advise if I have misstated any of the foregoing.

We look forward to hearing from you; please indulge us by providing your response via email rather than by calling.

Thanks,

A



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